

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

UNITED STATES OF AMERICA

v.

KENNETH L. OTEY, JR.,

Defendant.

)
)
)
)
)
)
)
)
)
)

CRIMINAL NO. 3:20-CR-137

STATEMENT OF FACTS

The United States and the defendant agree that the factual allegations contained in this Statement of Facts and in Counts One through Four of the Criminal Information are true and correct, and that the United States could have proven them beyond a reasonable doubt.

1. From in or about March 2018, the exact date being unknown to the Grand Jury, until in or about November 2020, in the Eastern District of Virginia and elsewhere, the defendant, KENNETH L. OTEY, JR., did knowingly and intentionally combine, conspire, confederate, and agree with others to knowingly and intentionally distribute and possess with intent to distribute 5 kilograms or more grams of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(A).

2. On or about November 20, 2019, in the Eastern District of Virginia, the defendant, KENNETH L. OTEY, JR., did knowingly and intentionally distribute a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).

3. On or about March 19, 2020, in the Eastern District of Virginia, the defendant, KENNETH L. OTEY, JR., knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, to wit: an Anderson Manufacturing Assault Rifle, Model AM-15, bearing serial number 1635567, which had been shipped and transported in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g).

4. Beginning on or about June 23, 2020, the exact date being unknown, and continuing until at least November 19, 2020, in the Eastern District of Virginia, and elsewhere, the defendant, KENNETH L. OTEY JR., did knowingly and intentionally conspire, confederate, and agree with others known and unknown to the United States, to commit the following offenses: (1) sponsoring and exhibiting an animal in an animal fighting venture, which is any event, in and affecting interstate or foreign commerce, that involves a fight conducted or to be conducted between at least 2 animals for purposes of sport, wagering, or entertainment, contrary to Title 7, United States Code, Section 2156(a)(1) and Title 18, United States Code, Section 49; and (2) possessing, training, transporting, delivering, and receiving any animal for purposes of having the animal participate in an animal fighting venture, contrary to Title 7, United States Code, Section 2156(b) and Title 18, United States Code, Section 49, all in violation of Title 18, United States Code, Section 371.

5. In August of 2018, the DEA began investigating KENNETH LEON OTEY JR., (“Defendant”) as the leader of the OTEY drug trafficking organization (the “OTey DTO”), for distributing multi-kilogram quantities of cocaine in Charles City, Virginia. The OTEY DTO consists of Defendant’s family members, Defendant’s longtime friends, and other Defendant associates.

6. Defendant began procuring cocaine, and other drugs, from a source of supply in Texas, beginning in late 2016 and continued through the arrest of his source of supply in May 2018. During that time, Defendant would fly to Texas to purchase multiple kilograms of cocaine, and then he would mail or have those drugs mailed back to him to addresses in Virginia, North Carolina, and South Carolina. He would procure approximately 3-11 kilograms of cocaine per trip.

7. In April 2018, Defendant began having cocaine shipped back to him from Texas through tractor-trailers, rather than through the mail. On two occasions in April 2018, Defendant acquired 3 and 7 kilograms of cocaine using this method.

8. In May 2018, Defendant's Texas source of supply was arrested in North Carolina as he/she carried approximately 5 kilograms of cocaine, a part of which was to be shipped to Defendant. After the arrest, Defendant obtained alternate sources of supply and continued to obtain multi-kilogram quantities of cocaine.

9. In late 2019 through early 2020, DEA utilized a confidential informant to make several controlled purchases of narcotics from the Defendant and other members of his DTO. These transactions consisted of a purchase directly from the Defendant, as well as several other transactions from OTEY's DTO done at the Defendant's direction. On November 20, 2019, the confidential informant was provided a 3 gram "sample" of heroin from Jequan CARROLL, a member of OTEY's DTO. This transaction was done at the behest of the Defendant.

10. On or about March 19, 2020, the confidential informant was utilized to conduct a controlled purchase of heroin directly from Defendant. Defendant provided the informant with approximately two ounces of heroin at 8620 Courthouse Road, Providence Forge, Virginia ("8620 Courthouse Road"), which was where Defendant would store narcotics and from which Defendant

and others would sell his drugs. The drugs from the March 19, 2020, transaction were submitted to the Mid Atlantic Lab for testing. The results were returned showing 55.65 grams of heroin combined with fentanyl.

11. On that same date, Defendant showed the confidential informant a rifle-style firearm which Defendant had stored at 8620 Courthouse Road. Defendant offered to sell the confidential informant the rifle. Defendant was found in possession of this rifle on November 19, 2020, as well. This rifle is an Anderson Manufacturing Assault Rifle, Model AM-15, bearing serial number 1635567, which had been shipped and transported in interstate and foreign commerce.

12. Beginning on or about June 18, 2020, law enforcement identified through lawfully obtained recordings Defendant's then-current source of supply. This source of supply was also from Texas. This source of supply was responsible for shipping multiple packages of cocaine through the mail throughout the summer of 2020.

14. On June 26, 2020, Defendant received a shipment containing two packages of cocaine through the United States Postal Service. These shipments were mailed from two separate post offices in south Texas and destined for a PO Box in Providence Forge, Virginia. After the shipment arrived in the Providence Forge Post Office, Defendant called a co-conspirator to track the package back to 8620 Courthouse Road. These packages contained approximately 1 kilogram of cocaine. That same day, the confidential informant observed the packages at 8620 Courthouse Road and relayed that information to law enforcement. Defendant told the confidential informant that he had just received the drugs from his female source in Texas for \$25,000 per kilogram.

15. On November 19, 2020, law enforcement executed a search warrant at Defendant's residence in North Carolina and 8620 Courthouse Road. At Defendant's residence, law

enforcement found him in possession of the Anderson Manufacturing Assault Rifle, Model AM-15, bearing serial number 1635567.

16. At the 8620 Courthouse Road location, law enforcement also located a number of dogs belonging to Defendant.

17. Prior to the search of 8620 Courthouse Road, during analysis of the lawfully obtained recordings of the Defendant, and electronic surveillance, Defendant had dozens of conversations, by phone calls and through text messages, with various co-conspirators discussing their involvement and participation in dog fighting. Their involvement and participation included breeding dogs for fighting, training dogs for fighting, teaching each other how to become better dog trainers, coordinating locations to “roll” and/or fight dogs, and how to “heal” a dog. Many of the communications between the Defendant and his co-conspirators included discussions about keeping dogs that were used in dog fighting on Defendant’s “yard.” Those communications included the following, among others:

- a. On June 23, 2020, KENNETH L. OTEY, JR., engaged in a telephone conversation with CC-1. During the call, they discussed breeding and fighting dogs.
- b. On July 6, 2020, KENNETH L. OTEY, JR., engaged in a phone conversation with CC-2. During the call, they discussed the strength of their fighting dogs, an upcoming dog fight between two male dogs, the location of that fight, and the conditioning of their dogs.
- c. On July 9, 2020, KENNETH L. OTEY, JR., engaged in a telephone conversation with CC-3. During the call, they discussed an upcoming dog fight, the date, time and location of that fight, and the set up for the fight ring.

- d. On July 13, 2020, KENNETH L. OTEY, JR., engaged in a telephone conversation with CC-4 to talk about dog bloodlines and pedigrees.
- e. On July 26, 2020, KENNETH L. OTEY, JR., engaged in a telephone conversation with CC-1 to set up a dog fight between two males that weighed 43 pounds for a wager of \$5,000. OTEY also asked CC-1 see if anyone wanted to fight a female dog that weighed 33 pounds.
- f. On July 26, 2020, KENNETH L. OTEY, JR., engaged in a telephone conversation with CC-4 about setting up a dog fight between male dogs that weighed 42.5 pounds.
- g. On July 26, 2020, KENNETH L. OTEY, JR., sent a text message to CC-1 trying to set up a dog fight between two males that weighed 42.5 pounds for a wager of \$7,500.

18. On or about November 19, 2020, at a residence in the Eastern District of Virginia, OTEY kept, among other things, 15 pit bull-terrier type dogs, firearms, a weighted dog collar, 10 heavy dog chains, and veterinary medicine and medical equipment. OTEY kept the dogs in a large fenced in area away from public view and partially concealed by trees and their foliage. The dogs were chained in a manner consistent with dog fighting. Several of the dogs had scarring consistent with dog fighting.

19. On November 19, 2020, at other locations in the Eastern District of Virginia, OTEY's co-conspirators possessed, among other things, pit bull-terrier type dogs and other evidence of dog fighting activity to include: medicine and supplies to treat animals for injuries sustained from dog fighting activities, treadmills, a 35-pound digital scale, break sticks, weighted dog collars, a flirt pole, chains, a dog breeding registration certificates, firearms and ammunition.

20. On December 15, 2020, at a residence in Maryland, CC-4 possessed, among other things, pit bull-terrier type dogs and other evidence of dog fighting activity to include: medicine and supplies to treat animals for injuries sustained from dog fighting activities, a notebook containing a training regimen, pedigree and other dog information, and a firearm.

21. Defendant agrees and admits that he, along with others, possessed, sponsored, and trained those fighting dogs, and also transported and received those same animals in interstate commerce, in connection with an ongoing animal fighting venture as defined at Title 7, United States Code, Section 2156(f)(1).

22. The actions taken by Defendant as described above were taken willfully, knowingly, and with the specific intent to violate the law. Defendant did not take those actions by accident, mistake, or with the belief that they did not violate the law.

23. This statement of facts sets forth facts necessary to support Defendant's plea of guilty and does not necessarily relate all facts relevant to the charged offenses or other persons who may have been involved in the offenses.

Respectfully submitted,

Raj Parekh
Acting United States Attorney

By: 

Stephen E. Anthony
Assistant United States Attorney

Jean E. Williams
Acting Assistant United States Attorney
Environment and Natural Resources Division

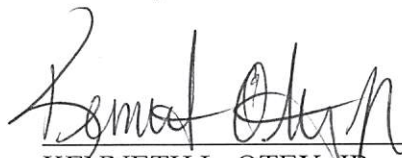
By: 

for Banumathi Rangarajan

Trial Attorney
Environmental Crimes Section

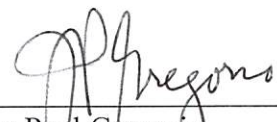
I have consulted with my attorney regarding this Statement of Facts. I knowingly and voluntarily agree that each of the above-recited facts is true and correct and that had this matter gone to trial the United States could have proven each one beyond a reasonable doubt.

Date: 4/30/21


KENNETH L. OTEY, JR.
DEFENDANT

I am counsel for the defendant, KENNETH L. OTEY, JR., I have carefully reviewed this Statement of Facts with him and to my knowledge, his decision to agree to this Statement of Facts is an informed and voluntary decision.

Date: 4/30/21


John Paul Gregorio
Counsel for the Defendant